



## Planning Commission Study Session

**TO:** PLANNING COMMISSION

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**MEETING DATE:** JANUARY 7, 2015

**SUBJECT:** Z14-15-D: AN AMENDMENT TO THE TOWN OF GILBERT LAND DEVELOPMENT CODE TO AMEND LAND USE REGULATION TABLES IN ALL ZONING DISTRICTS, AMEND DEVELOPMENT REGULATIONS AND SITE REGULATIONS IN ALL ZONING DISTRICTS, AMEND SIGN REGULATIONS AND SUBDIVISION REGULATIONS.

**STRATEGIC INITIATIVE:** Community Livability

The proposed text amendments represent the product of a comprehensive review undertaken to clarify terms and add cross references where needed. The proposed amendments will also resolve discrepancies, reflect current development standards and amend the glossary of terms to enhance the live, work, play environment.

### RECOMMENDED MOTION

**NO MOTION REQUESTED**

## **BACKGROUND/DISCUSSION**

Since the Planning Commission's initiation of Z14-15 (July 2, 2014), a text amendment intended to facilitate the comprehensive clean-up of the Land Development Code (LDC); the Commission has reviewed three distinct "batches" [A, B & C] dealing with a range of LDC issues requiring clarity, modernization or enhancement. The purpose of part D, the subject text amendment, is to address several issues that have come to light through recent variance and zoning interpretation appeals. Specifically, this text amendment seeks to improve LDC regulation of:

1. Storage Containers
2. Metal Buildings
3. Facility Manager Dwelling Unit
4. Gatehouses

### **1. Storage Containers**

The Land Development Code (LDC) allows for some manner of use of storage containers in most zoning districts; generally speaking these containers are restricted to temporary usage. LDC Article 4.5013 (Temporary Structures), Part C (Storage Containers) provides requirements for containers, as summarized below:

<i>Location</i>	Containers must be located outside the area located between the building and any street in applicable Commercial and Employment districts. Containers shall not be located in landscape areas, retention basins, travel ways and drive aisles, fire lanes, required parking spaces, sidewalks, loading zones, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and developments.
<i>Size</i>	No greater than 320 sq. ft. total in applicable Commercial or Employment districts.
<i>Duration</i>	No longer than 90 days in a 12 month period in a Commercial or Employment district. In Light and General Industrial and in the Public Facility/Institutional districts, storage containers are permitted for an indefinite period of time subject to Design Review approval.

At issue, some members of the business community have expressed concern over the limits for indefinite keeping of storage containers in employment districts as well as the need to approve these containers through a design review process. Larger industrial sites desire the ability to maintain multiple storage containers for indefinite periods without the inefficiency of individually permitting each container. Moreover, cumulative square footage limits for containers in the LDC as well as separate regulations established by the Building Code effectively reduce the ability of industrial operators to indefinitely maintain multiple containers. Staff believes the needs of individual businesses in balance with the greater community's goals for safety and quality of life can be best addressed through simplifying the process for

maintaining multiple containers but retaining a minimum level of design review to ensure setbacks and screening standards, already in place in the LDC, are implemented with the establishment of multiple containers. Due to the variety of container uses and needs within an industrial setting; notes within the LDC towards additional permitting requirements (for instance, when an electrical hook-up is needed for a container) would also benefit the business community and reduce chances for illicit non-conforming site development.

### **Proposed Zoning Code Amendment**

Planning staff proposes changes to the LDC to provide flexibility for industrial usage of storage containers.

### **Chapter 1 Zoning Regulations, Division 4 General Regulations, Article 4.5 Supplemental Use Regulations, Section 4.5013 Temporary Structures, Part 4.5013.C Storage Containers**

Section 4.5013.C Storage Containers is hereby amended to read as follows (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

#### **4.5013 Temporary Structures**

\* \* \*

- C. ***Storage Containers.*** Temporary storage containers on residential property are permitted only for the purpose of storage of household goods or personal items. Temporary storage containers on commercial and employment properties are permitted only for the purpose of storage of equipment, supplies, merchandise, or similar materials:
1. ***Standards.*** Temporary storage containers shall comply with the following standards:
    - a. **Zoning Districts.** Limited to Single-Family Residential districts, Community Commercial, Shopping Center, General and Regional Commercial districts, ~~and~~ Light and General Industrial districts, AND PUBLIC FACILITY/ INSTITUTIONAL DISTRICTS.
    - b. **Location.** Placed on a driveway or additional parking space as permitted in Section 4.203X on a developed residential lot or parcel; or placed outside the area located between the building and any street in applicable Commercial and Employment districts.
    - c. **Size.** No greater than 160 sq. ft. total on a developed residential lot or parcel. No greater than 320 sq. ft. total in applicable Commercial, ~~or~~ Employment OR PUBLIC FACILITY/ EMPLOYMENT districts; EXCEPT THAT THE TOTAL AREA MAY BE INCREASED WITH THE APPROVAL OF DESIGN REVIEW AND A MASTER SITE BUILDING PERMIT FOR STORAGE CONTAINERS.

- d. Time Duration. During construction on a lot or parcel pursuant to a valid building permit; or for no longer than 30 days within a 6 month period on a developed residential lot or parcel; or for no longer than 90 days in a 12 month period in applicable Commercial, ~~or Employment~~ OR PUBLIC FACILITY/ EMPLOYMENT districts. ~~a Commercial or Employment district.~~
2. In Light and General Industrial and in the Public Facility/Institutional districts, storage containers are permitted for an indefinite period of time subject to Design Review approval.
3. Temporary storage containers shall not be located in landscape areas, retention basins, travel ways and drive aisles, fire lanes, required parking spaces, sidewalks, loading zones, or any other location that may cause hazardous conditions, constitute a threat to public safety, or create a condition detrimental to surrounding land uses and developments.
4. TEMPORARY STORAGE CONTAINERS SERVED BY UTILITIES, LARGER THAN 160 SQUARE FEET OR PROVIDING ANY FUNCTION OTHER THAN STORAGE REQUIRE BUILDING PERMIT REVIEW. A CONTAINER REQUIRING A CERTIFICATE OF OCCUPANCY, A CONTAINER THAT IS ACCESSIBLE TO THE PUBLIC OR THAT IS HABITABLE IS REGULATED AS A STRUCTURE.

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## 2. Metal Buildings

The LDC currently limits the use of metal buildings and building materials in the employment zoning districts. There is no differentiation of metal buildings or materials elsewhere in the LDC as applied to other zoning districts. The rationale for this regulation is the community's desire to ensure that even marginal light-industrial sites with minimum capital improvement provide a level of visual quality that would not negatively impact the surrounding character or value of adjacent property. However, overtime, the finishing of metal buildings has caught up with the level of design observed with conventional building methods and materials. Metal structures and materials, designed appropriately; provide superior structural and energy performance, relative to conventional materials. Pre-manufactured, pre-engineered and designed metal structural systems do not impose or create aesthetic issues different than conventional design and construction methods. Moreover, the Town's design review process has matured and currently, the design review administered by staff or provided by the Design Review Board, provides consistent and appropriate design enhancement for all new structures, metal or conventional. Metal finishing elements have been approved throughout the Town in non-employment and non-industrial settings and these designs have been popular in the community and performed well as a stand-alone design feature or when integrated with conventional materials. In short, there is no longer

a need to treat metal buildings differently than conventional development with respect to structural or aesthetic quality. This proposed text amendment seeks to remove “special” treatment of metal buildings and thereby ensure they are regulated identically with conventional development.

### **Proposed Zoning Code Amendment**

Planning staff proposes changes to the LDC to remove unnecessary standards for metal buildings and metal finishing elements.

## **Chapter 1 Zoning Regulations, Division 2 Land Use Designations, Article 2.6 Employment Districts, Section 2.605 Additional Development Regulations, Part 2.605.B Metal Buildings and Building Materials**

Section 2.605.B Metal Buildings and Building Materials is hereby amended to read as follows (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

### **2.605 Additional Development Regulations**

\* \* \*

~~B. Metal Buildings and Building Materials. Pre-manufactured metal buildings are prohibited. Architect designed metal buildings or building elements may be permitted by the Design Review Board.~~

~~EB. Service Bay Doors.~~

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## **3. Facility Manager Dwelling Unit**

A variety of commercial and employment uses potentially benefit from, or in fact depend on, the ability to have continuous staffing and monitoring of their site. The LDC currently recognizes this need as it applies to temporary site security during construction and on a permanent basis, personal storage sites; on the latter, these businesses require off-hour services and the ability to provide routine security checks thus making the incorporation of a permanent caretaker’s residence or “facility manager dwelling unit” a critical aspect of the business operations and maintenance. The relevant sections of the LDC on this issue are provided below:

### **4.5016 Miscellaneous Provisions**

- A. *Caretaker.* A recreational vehicle is permitted as a temporary dwelling for a caretaker or security guard on a lot or parcel only during construction undertaken pursuant to a valid building permit.

## Article 6.1 Use Definitions

**Storage, Personal Property.** A facility offering storage of personal property and office records to the general public.

*Indoor.* A personal property storage facility where all storage occurs in one or more fully enclosed buildings. A facility may include one on-site dwelling unit for a facility manager.

*Outdoor.* A personal property storage facility where all or part of the storage occurs outdoors, including the storage of recreational vehicles. A facility may include one on-site dwelling unit for a facility manager.

Some members of the business community have expressed a desire to expand the allowance for facility manager dwellings to business enterprise other than personal storage. Staff finds that all non-residential districts might potentially benefit from this allowance, with certain restrictions and noting that initial research indicates this allowance is more commonly limited to industrial zoning districts exclusively. Providing an on-site residence for facility management reduces unnecessary vehicle trips, reduces potential criminal activity by encouraging active and obvious site surveillance, and promotes housing affordability by allowing a small portion of the Town's employment base to take advantage of attainable and safe, albeit non-conventional, housing. While uncommon, in certain situations, a business or site may benefit from two distinct facility manager dwelling units (for instance, a large garden nursery or major hospital complex); staff feels, in contrast to a single facility manager dwelling unit, which may be acceptable as a by-right land use, that two units should have additional review and therefore an Administrative Use Permit is recommended for this situation.

### Proposed Zoning Code Amendment

Planning staff proposes changes to the LDC to expand the allowance for facility manager dwelling units to all non-residential districts.

## Chapter 1 Zoning Regulations, Division 4 General Regulations, Article 4.5 Supplemental Use Regulations, Section 4.5016 Miscellaneous Provisions

Section 4.5016 Miscellaneous Provisions is hereby amended to read as follows (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

### 4.5016 Miscellaneous Provisions

\* \* \*

E. **FACILITY MANAGER DWELLING UNIT. WITHIN A NON-RESIDENTIAL DISTRICT, A FACILITY MANAGER DWELLING UNIT (NOT TO EXCEED 1,500 SQUARE FEET) MAY BE ESTABLISHED AS AN INCIDENTAL USE, SUBJECT TO THE SITE DEVELOPMENT REGULATION OF THE UNDERLYING ZONING DISTRICT. TWO FACILITY MANAGER DWELLING UNITS MAY BE**

ESTABLISHED WITH ISSUANCE OF AN ADMINISTRATIVE USE PERMIT (AUP).  
PURSUANT TO ARTICLE 5.4: USE PERMITS.

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### **Glossary of General Terms, Dwelling Unit**

Glossary of General Terms Dwelling Unit is hereby amended to read as follows (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

#### **Terms**

\* \* \*

***DWELLING UNIT, FACILITY MANAGER.*** A DWELLING UNIT ALLOWED IN NON-RESIDENTIAL DISTRICTS PROVIDED THAT THE PERSON(S) OCCUPYING THE DWELLING UNIT IS AN EMPLOYEE OF THE BUSINESS WHERE THE DWELLING UNIT IS LOCATED AND THAT EMPLOYEE PROVIDES A SERVICE OR FUNCTION FOR THE BUSINESS THAT REQUIRES A CONTINUOUS ON-SITE PRESENCE (SUCH AS SITE SECURITY, ACCESS CONTROL, MAINTENANCE OR MONITORING).

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## **4. Gatehouses**

Gatehouses, sometimes referred to as a Guardshack, are a common feature both within residential and non-residential development in the Town. These structures are required to be permitted, as they are typically served by utilities and located in areas that are generally accessible to the public. The LDC does not specifically identify these types of structures as the regulatory intent has historically been to simply treat these structures as a component of the open space or streetscape element of the site. This text amendment seeks to codify the historical practice.

### **Proposed Zoning Code Amendment**

Planning staff proposes changes to the LDC to clarify the allowance for gatehouses within residential and non-residential development.

### **Glossary of General Terms, Open Space**

Glossary of General Terms Open Space is hereby amended to read as follows (additions in ALL CAPS UNDERLINE; deletions in ~~strikeout~~):

#### **Terms**

\* \* \*

***Open Space.*** Any area of land or water permanently dedicated or designated for use for active or passive recreation areas, landscape buffers, flood control, storm water retention, or resource management. OPEN SPACE MAY INCLUDE GATEHOUSES FOR SITE ACCESS, SECURITY OR AESTHETIC ENHANCEMENT PURPOSES.

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### **SUMMARY**

Staff finds the proposed text amendments provide a variety of pro-business enhancements to the LDC without compromising the potential quality of development or compatibility with other land use types.

### **STAFF REQUEST**

Staff requests Planning Commission input related to:

- Preliminary concerns related to the proposed regulation “flexibility”
- The historical trends related to these issues
- Additional research needed to better understand the issues or mitigations
- Additional outreach that should be considered

Respectfully submitted,



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